

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-1797V

UNPUBLISHED

ARKIE TUCKER-CORLEY,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 26, 2022

Special Processing Unit (SPU);  
Damages Decision Based on Proffer;  
Influenza (Flu) Vaccine; Chronic  
Regional Pain Syndrome (CRPS)

*Maximillian J. Muller, Muller Brazil, LLP, Dresher, PA, for Petitioner.*

*Lauren Kells, U.S. Department of Justice, Washington, DC, for Respondent.*

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On December 8, 2020, Arkie Tucker-Corley filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that he suffered a left shoulder injury related to vaccine administration (“SIRVA”) as a result of an influenza (“flu”) vaccine he received on January 13, 2020. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On July 22, 2022, a ruling on entitlement was issued, finding Petitioner entitled to compensation for chronic regional pain syndrome (“CRPS”). On October 24, 2022, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded \$62,500.00 for pain and suffering, and funds to satisfy the Commonwealth of Virginia Medicaid lien in the amount of \$980.07. Proffer at 1-2. In the

<sup>1</sup> Because this unpublished Decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.* Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

**Pursuant to the terms stated in the attached Proffer, I award**

- A. A lump sum payment of \$62,500.00 in the form of a check payable to Petitioner; and**
- B. A lump sum payment of \$980.07, representing compensation for satisfaction of the Commonwealth of Virginia Medicaid lien, in the form of a check payable jointly to Petitioner and:**

**Treasurer of Virginia  
Office of the Attorney General  
Financial Recovery Section  
Attn: Ethan Benson  
Post Office Box 610  
Richmond, VA 23218**

**Petitioner agrees to endorse the check to the Treasurer of Virginia for satisfaction of the Medicaid lien.**

**This amount represents compensation for all damages that would be available under Section 15(a).**

The Clerk of Court is directed to enter judgment in accordance with this decision.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**  
Brian H. Corcoran  
Chief Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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ARKIE TUCKER-CORLEY,	)	
	)	
Petitioner,	)	
	)	No. 20-1797V
v.	)	Chief Special Master Corcoran
	)	ECF
SECRETARY OF HEALTH AND HUMAN	)	
SERVICES,	)	
	)	
Respondent.	)	
	)	

On July 12, 2022, respondent filed a Vaccine Rule 4(c) report concluding that petitioner suffered an injury that is compensable under the National Childhood Vaccine Injury Act of 1986, as amended, 42 U.S.C. §§ 300aa-10 to -34, that is, chronic regional pain syndrome (“CRPS”). ECF No. 30. Accordingly, on July 22, 2022, the Chief Special Master issued a Ruling on Entitlement. ECF No. 31.

### A. Pain and Suffering

### B. Medicaid Lien

Respondent proffers that petitioner should be awarded funds to satisfy the Commonwealth of Virginia Medicaid lien in the amount of **\$980.07**, which represents full satisfaction of any right of subrogation, assignment, claim, lien, or cause of action the

Commonwealth of Virginia may have against any individual as a result of any Medicaid payments the Commonwealth of Virginia has made to or on behalf of petitioner from the date of her eligibility for benefits through the date of judgment in this case as a result of her alleged vaccine-related injury suffered on or about January 13, 2020 under Title XIX of the Social Security Act.

The above amounts represent all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

## **II. Form of the Award**

The parties recommend that compensation provided to petitioner should be made through two lump sum payments described below, and request that the Chief Special Master's decision and the Court's judgment award the following: <sup>1</sup>

- A. A lump sum payment of **\$62,500.00** in the form of a check payable to petitioner; and
- B. A lump sum payment of **\$980.07**, representing compensation for satisfaction of the Commonwealth of Virginia Medicaid lien, in the form of a check payable jointly to petitioner and:

Treasurer of Virginia  
Office of the Attorney General  
Financial Recovery Section  
Attn: Ethan Benson  
Post Office Box 610  
Richmond, VA 23218

Petitioner agrees to endorse the check to the Treasurer of Virginia for satisfaction of the Medicaid lien.

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<sup>1</sup> Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future pain and suffering, and future lost wages.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General

C. SALVATORE D’ALESSIO  
Director  
Torts Branch, Civil Division

HEATHER L. PEARLMAN  
Deputy Director  
Torts Branch, Civil Division

TRACI R. PATTON  
Assistant Director  
Torts Branch, Civil Division

/s/ Lauren Kells  
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DATED: October 24, 2022